

Exhibit 1

From: [Cullen Sweeney](#)
To: [Maya Brodziak](#); [Megan Lambert](#)
Cc: [tsikpa@ou.edu](#); [Garry Gaskins](#); [Zach West](#); [William Flanagan](#); [Adam Hines](#); [Kimelman, Adam](#); [Koff, Douglas](#); [Weitman, Martin D.](#); [Beskin, Julia](#); [esykes](#); [shinger](#); [Leah Watson](#); [Zakiya Lewis](#); [Janeal Fordham Hightower](#); [Sumayya Saleh](#); [Johns, Kevin Scot](#)
Subject: Discovery in BERT v. Drummond (W.D. Okla. Case No. 5:21-cv-1022-G)
Date: Tuesday, October 22, 2024 5:53:23 PM

Dear Counsel:

I am writing to discuss the following materials related to discovery in *BERT v. Drummond, et al.* (W.D. Okla. Case No. 5:21-cv-1022-G):

- *Plaintiffs' First Requests for Production of Documents to State Defendants*
- Counsel email of October 17, 2024 (citing alleged deficiencies in *State Defendants' Initial Disclosures*)
- *Proposed Confidentiality and Protective Order; Proposed Order Under Fed. R. Evid. 502(d); Proposed Electronic Discovery Protocol* (circulated by email of September 30, 2024)

First, with respect to your requests for production of documents, State Defendants seek an extension of 45 days in which to respond—that is, with a deadline of December 9, 2024. Our unit's immediate discovery obligations in *Caremark LLC, et al. v. Drummond* (W.D. Okla. Case No. 5:24-cv-62-HE) continue to demand a significant commitment of attorney time and resources. An agreed extension in this case would not impede or delay the discovery schedule set by Judge Goodwin in his Order of August 30, 2024.

Next, State Defendants respectfully disagree with your characterization of our Initial Disclosures as “deficient” merely because no fact witnesses are expressly listed at present. As discovery moves forward, State Defendants will of course supplement their disclosures if and when any such witnesses are identified.

Finally, although our review of the proposed protective order (and its companion orders) is not yet complete, we anticipate sending you our proposed changes (if any) as soon as practicable.

Sincerely,

Cullen D. Sweeney
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